

Message Text

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ACTION EB-11

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FM AMEMBASSY ROME

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E.O. 11652: N/A

TAGS: ETRN, IT

SUBJECT: CIVAIR - SEABOARD CARGO RATES

REF: ROME 12157 AND PREVIOUS

1. DURING INFORMAL NOV 9 DISCUSSION WITH CIVILAVIA REP DR. PALERMO (OIC, INTERNATIONAL RATES), EMBOFF ASCERTAINED THAT CIVIALVIA WILLING REQUEST ARTICLE 10(E) CONSULTATIONS WITH USG ON SEABOARD RATES CASE. CIVILAVIA WISHES RESOLVE QUESTION OF SEABOARD RATES ASAP BUT WILLING WAIT UNTIL JAN IF, IN MEANTIME, 15 AND 30 TON RATES CURRENTLY APPLIED BY SEABOARD ARE SUSPENDED OR WITHDRAWN. IF THIS IMPOSSIBLE, THEN IMMEDIATE CONSULTATIONS WILL BE REQUESTED.

2. CIVILAVIA RECONGIZES THAT SEABOARD'S AUG 27 RATE FILING WAS RECEIVED BY DR. PILATI ON AUG 29, BUT IT WAS NOT RPT NOT RECEIVED BY RATES OFFICE UNTIL SEPT 19, AT WHICH TIME IMMEDIATE NOTICE OF DISSATISFACTION SENT TO SEABOARD AND EMBASSY. IN VIEW OF IRREGULAR FILING PROCEDURE USED BY LOCAL SEABOARD REP, CIVILAVIA CONTENTS SEPT 19 RATHER THAN AUG 29 SHOULD BE DATE ON WHICH TIME PERIOD ENVISAGED ARTICLE 10(D) COMMENCES. CIVILAVIA VIEW IS THAT, LACK-ING APPROVAL, SEABOARD'S CURRENT 15 AND 30 TON RATES ARE BEING APPLIED ILLEGALLY.

3. PALERMO BELIEVES RESTATEMENT OF WELL KNOWN LEGAL POSITION OF
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USG AND GOI WOULD SERVE LITTLE PURPOSE DURING CONSULTATIONS

EXCEPT TO HARDEN POSITIONS. OBJECTIVE SHOULD BE TO RESOLVE RATES SITUATION ON BASIS WHICH SERVES INTERESTS OF ALL CARRIERS. HE BELIEVES IT NECESSARY TO AGREE ON PROCEDURES FOR RATES FILING DURING CONSULTATIONS IN ORDER PRECLUDE FURTHER CASES SUCH AS THIS. OTHER FACTORS WHICH MUST BE CONSIDERED INCLUDE: (1) INABILITY ALITALIA, PAA AND TWA TO BENEFIT FROM 30 TON WEIGHT BREAK DUE TO ALL-CARGO EQUIPMENT USED BETWEEN US AND ITALY; AND (2) DESIRE OF ALITALIA TO APPLY COMPETITIVE RATES BUT TO AVOID POSSIBLE IATA S ACTIONS.

4. COMMENT: EMBASSY EXPECTS FORMAL REQUEST FROM MINISTRY OF FOREIGN AFFAIRS (MFA) IN FORM OF NOTE VERBALE WILL BE FORTHCOMING SHORTLY. IF SCENARIO ALONG LINES PARA (1) ABOVE CANNOT BE WORKED OUT -- IMMEDIATE CONSULTATIONS OR SUSPENSION/WITHDRAWAL SEABOARD'S 15 AND 30 TON RATES -- EMBASSY ANTICIPATES UNILATERAL CIVILAVIA ACTION AGAINST SEABOARD. IN THIS CASE, WHILE USG AND GOI ARGUE LEGALITIES, SEABOARD WOULD SUFFER. VOLPE

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